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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,163	01/02/2001	Robert C. Eisenman	RE-1	9699
34284	7590	06/21/2004	EXAMINER	
ROBERT D. FISH; RUTAN & TUCKER, LLP P.O. BOX 1950 611 ANTON BLVD., 14TH FLOOR COSTA MESA, CA 92628-1950			LIEU, JULIE BICHNGOC	
		ART UNIT	PAPER NUMBER	
		2636		
DATE MAILED: 06/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/753,163	EISENMAN, ROBERT C.
	Examiner	Art Unit
	Julie Lieu	2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 4/19/04.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 26-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 26-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to amendment filed April 19, 2004. Claims 26, 29, and 30 have been amended.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budnovitch (US Patent No. 6,292,110) in view of Nantz (US Patent No. 5,973,412).

Claim 26:

Budnovitch discloses an improved GPS device, having a radio portion that communicates with a plurality of satellites for determining a location of the device, the improvement comprising:

- a. A capability of triggering multiple warnings at different locations
- b. A second trigger that transmits the location to a recipient at a distant that communicates with a ground dispatch station; and

wherein the first and second triggers are disposed within a remote control unit for a car alarm. See col. 8, second paragraph.

Though the reference fails to explicitly state that the key fob is used to trigger an alarm on a vehicle, it does implicitly suggest that the key fob is used for such purpose as stated in col. 5, lines 42-48, that the key fob can be combined with a transmitting key fob for unlocking doors of a vehicle, flashing its lights, etc...

Furthermore, key fob that include transmitter with a trigger to activate an alarm on a vehicle equipped with a security system is old in the art as taught in Nantz. In light of this teaching, it would have been obvious to one skilled in the art to combine and/or modify the key fob in Budnovitch to include the capability of triggering an car alarm as desired because it is old and well known in the art.

Claim 27:

Though Budnovitch does not disclose whether the key fob includes a connector for attachment of a key. However, key fob with attachment of key is very conventional in the art as shown in Nantz. Thus, it would have been obvious for one skilled in the art to attach the key fob in Budnovitch to a key ring for hold a key because it is conventional and provides convenience to a user.

Claim 28:

The alarm is part of a security system in the combined system of Budnovitch and Nantz.

Claims 29 and 30:

The device in Budnovitch and Nantz comprises a switch for activating/deactivating the security system.

Claim 31:

Neither of the reference teaches using the same physical trigger as the first and second triggers. Nonetheless, this would be an obvious choice in design as it is up to the implementer to design the system to work as desired.

Claim 32:

Budnovitch and Nantz are both silent about including a speaker to emit a sound by operation of one of the trigger. However, the concept of using a speaker to produce a sound when a vehicle alarm system is activated or deactivated is old and conventional in the art. Thus, it would have been obvious to one skilled in the art to apply this concept in this combined system because it would provide confirmation to a user that the command signal has been received.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Hofsass can be reached on 703-305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu
Primary Examiner
Art Unit 2636